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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,102	07/17/2003	Stephen S. Ing	117891-156747	8437
25943 7590 12/10/2008 SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204				
EXAMINER				
VO, TUNG T				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
12/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/621,102

Applicant(s)

ING ET AL.

Examiner

Tung Vo

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-61 is/are pending in the application.
- 4a) Of the above claim(s) 38-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/05/2008 has been entered.

Election/Restrictions

2. Applicant's election with traverse of claims 38-49 in the reply filed on 11/05/2008 is acknowledged. The traversal is on the ground(s) that the Office Action was silent on separate classification or status or different field of search. This is not found persuasive because claims 38-49 directed to a quantization selector for carrying out the method for adjusting quantization parameter for the target frame size for the scheduled of the buffer; class 375 and subclass 240.03, which is different from the original claims 50-61, wherein claims 50-61 directed to a system for compressing based on bit rate controller and a compression time, class 375 subclass 240.18.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 50-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al. (US 5,442,401).

Re claims 50-61, Murakami discloses a video compression system (fig 17) comprising a processor (10 of fig. 17);

a bit rate controller (15 of fig. 15, 140 of fig. 15) to compress a video frame of raw video image data using said processor (10 of fig. 17); and

a video controller (110 of fig. 15) to receive the video frame of raw video image data (20 of fig. 17) and provide the video frame of raw video image data to said bit rate controller (140 of fig. 15), the video controller (110 of fig. 15) to determine whether the processor (10 and 21 of fig. 17) is limited in its ability to compress video image data (e.g. 14 of fig. 17, Inter or Intra frame compression) based on whether a difference between a compression time (long, intermediate, and short; e.g. the short period of past motion characteristics is expressed as the temporal change (time differential of change or inclination) of the past produced information amounts of the short period; SHORT, TIME, TARGET VALUE of fig. 9, see also fig. 20) for current video frame and a target frame period exceeds a threshold amount (e.g. figs. 9 and 20), the determining to facilitate adjusting a target frame rate based at least in part on the compression time (140 of fig. 15).

Re claim 56, Murakami further discloses wherein said video controller is further to adjust said target rate based on at least in part on the compression time (140 of fig. 15).

Re claim 57, Murakami further discloses wherein said video controller is configured to adjust said target frame rate to a value equal to a frame rate of the video capture divided by an integer divisor (fig. 16).

Re claim 58, Murakami further discloses wherein the frame rate of the video capture device is 30 frames per second and the integer divisor has a value between 1 and 30 (col. 1, lines 16-26).

Re claim 59, Murakami further discloses wherein the threshold amount corresponding to a predetermined portion of the target frame period (140 of fig. 16, see also 154 of fig. 4; long, intermediate, short, fig. 9).

Re claim 60, Murakami further discloses wherein a compressor including said bit rate controller, said compressor further including: a first queue to store the raw video image data (10 and 11 of fig. 17); a codec (14 of fig. 17) coupled to the first queue to compress the raw video image data; and a second queue coupled to the codec to store the compressed image data (18 of fig. 17).

Re claim 61, Murakami further discloses wherein the processor (10 of fig. 17) is to control the compression rate of the codec (inter or intra mode include compression rate control ling, 15 of fig. 15).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ohsawa (US 5,790,195) discloses image processing apparatus.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/
Primary Examiner, Art Unit 2621